

REMARKS

By this Amendment, Applicant amends claims 1 and 7 to incorporate the subject matter of claim 2, amends claim 3, and cancels claim 2. Therefore, claims 1 and 3-16 are all the claims pending in the application.

Applicant respectfully submits that the amendments should be entered since the scope of the amended claims merely represents the subject matter previously pending before the Examiner, and hence, no further search and/or consideration should be required.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 7, and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker (U.S. Patent 6,364,765) in view of Tessmer et al. (U.S. Patent 7,052,392, hereinafter “Tessmer”). Applicant respectfully traverses the rejection.

Claim 1

Claim 1 recites, *inter alia*, “a judge, which judges whether there exists a second play record which satisfies a first prize requirement among the first play records stored in the second storage...wherein the first prize requirement is arranged in each of a plurality of classes.”

However, the combination of Walker, Tessmer, and Seelig neither teaches nor suggests this claimed combination of features. This is because neither Walker, Tessmer, nor Seelig, taken alone or in combination, discloses determining whether a player satisfies a first prize requirement, which is divided among a plurality of classes, that changes a condition of the game. Rather, Walker simply discloses determining whether a player has completed game requirements in a base game to play a secondary game. *See* Walker, col. 8, l. 66 - col. 9, l. 21. Similarly, Tessmer merely discloses a “winning combination may be used as a bonus event trigger.” *See*

Tessmer, col. 9, ll. 38-39. There is no teaching or suggestion that the requirements and combinations in Walker and Tessmer are arranged in “a plurality of classes” for triggering the bonus game having changed conditions.

To the extent the Examiner cites to Seelig as allegedly curing the deficient disclosures of Walker and Tessmer, Seelig is only directed to a horse racing simulation in which horses may finish in first (“Win”), second (“Place”), and third (“Show”) positions. If the player selects the horse finishing in third (“Show”), a prize is awarded. *See* Seelig, col. 4, ll. 4-5. A second, larger prize is awarded if the player selects the horse finishing in second (“Place”), and an even greater prize is awarded if the player selects the horse finishing in first (“Win”). *See* Seelig, col. 4, ll. 5-13. Thus, Seelig discloses separate prizes for selecting each of first, second, and third place horses in a race. There is no teaching or suggestion that the greatest prize (“Win”) may be obtained by selecting anything other than the first place horse, and thus, Seelig does not teach a “first prize requirement [] arranged in each of a plurality of classes,” as required in claim 1.

Accordingly, even if Walker, Tessmer, and Seelig could have somehow been combined, as the Examiner alleges, the combination still fails to teach or suggest the combination of features recited in claim 1. As a result, claim 1 and its dependent claims would not have been rendered unpatentable by the combination of Walker, Tessmer, and Seelig for at least these reasons.

Independent claim 7 recites features similar to those discussed above regarding claim 1, and hence, claim 7 and its dependent claims would not have been rendered unpatentable by the combination of Walker, Tessmer, and Seelig for at least reasons analogous to those discussed above regarding claim 1.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker and Tessmer, and further in view of Seelig et al. (U.S. Patent 5,997,400). Applicant respectfully traverses the rejection.

Claim 3 depends on claim 1 and incorporate all the features of claim 1. Even if Walker, Tessmer, and Seelig could have somehow been combined, as the Examiner alleges, the combination would still not contain all the features of claim 1, and hence claim 3, as discussed above. Accordingly, claim 3 would not have been rendered unpatentable by the combination of Walker, Tessmer, and Seelig for at least these reasons.

Moreover, claim 3 recites, “the first prize requirement in a higher class is more difficult to be satisfied than the first prize requirement in a lower class.” However, Seelig only discloses that a greatest prize may be obtained by selecting a winning horse. There is no teaching or suggestion that the greatest prize may be obtained at a high class of a game, while the same greatest prize may be more easily obtained at a lower class of the game.

Claims 4 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Price (U.S. Patent 6,776,715), Tessmer, and Palmer et al. (U.S. Patent 6,939,224, hereinafter “Palmer”). Applicant respectfully traverses the rejection.

Claims 4 and 9 depend on claims 1 and 7, respectively, and incorporate all the features of claims 1 and 7. Palmer and Price are cited merely for teaching credits and an output ratio, respectively. Even if Walker, Tessmer, Price and Palmer could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claims 1 and 7, and hence claim 4 and 9, as discussed above. Accordingly, claims 4 and 9

would not have been rendered unpatentable by the combination of Walker, Tessmer, Price, and Palmer for at least these reasons.

Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker, Tessmer, Price, Palmer, and further in view of Barrie et al. (U.S. Patent 4,837,728, hereinafter “Barrie”). Applicant respectfully traverses the rejection.

Claim 5 depends on claim 1 and incorporates all the features of claim 1. Barric is cited merely for teaching a bonus accumulator. Even if Walker, Tessmer, Price, Palmer, and Barrie could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claim 1, and hence claim 5, as discussed above. Accordingly, claim 5 would not have been rendered unpatentable by the combination of Walker, Tessmer, Price, Palmer, and Barrie for at least these reasons.

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker, Tessmer, Price, Palmer, and Nakagawa et al. (U.S. Patent 6,019,369, hereinafter “Nakagawa”). Applicant respectfully traverses the rejection.

Claim 6 depends on claim 1 and incorporates all the features of claim 1. Nakagawa is cited merely for teaching a racing game. Even if Walker, Tessmer, Price, Palmer, and Nakagawa could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claim 1, and hence claim 6, as discussed above. Accordingly, claim 6 would not have been rendered unpatentable by the combination of Walker, Tessmer, Price, Palmer, and Nakagawa for at least these reasons.

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker, Tessmer, and Hanai (U.S. Patent 5,816,920). Applicant respectfully traverses the rejection.

Claim 8 depends on claim 7 and incorporates all the features of claim 7. Hanai is cited merely for teaching a master machine. Even if Walker, Tessmer, and Hanai could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claim 7, and hence claim 8, as discussed above. Accordingly, claim 8 would not have been rendered unpatentable by the combination of Walker, Tessmer, and Hanai for at least these reasons.

Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker and Tessmer, and in further view of Barrie (U.S. Patent 5,833,537). Applicant respectfully traverses the rejection.

Claim 10 depends on claim 1 and incorporates all the features of claim 1. Barrie is cited merely for teaching an increased payout. Even if Walker, Tessmer, and Barrie could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claim 1, and hence claim 10, as discussed above. Accordingly, claim 10 would not have been rendered unpatentable by the combination of Walker, Tessmer, and Barrie for at least these reasons.

Claim 11 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tessmer, and in further view of Feritta et al. (U.S. Patent 6,302,793, hereinafter “Feritta”). Applicant respectfully traverses the rejection.

Claim 11 depends on claim 1 and incorporates all the features of claim 1. Feritta is cited merely for teaching a total number of credits. Even if Walker, Tessmer, and Feritta could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claim 1, and hence claim 11, as discussed above. Accordingly, claim 11 would not have been rendered unpatentable by the combination of Walker, Tessmer, and Feritta for at least these reasons.

Claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishibashi (U.S. Patent 5,547,192) in view of Walker. Applicant respectfully traverses the rejection.

Claim 12 recites, *inter alia*, “a second storage unit, which stores a play record of the player, the play record comprising information indicating at least one of a cumulative total number of credits won by the player on the game and a ratio of a cumulative total number of credits won by the player on the game to a cumulative total number of credits wagered by the player on the game, and which associates the play record with the personal information, with respect to each of the stations.”

However, the combination of Ishibashi and Walker neither teaches nor suggests the claimed “second storage unit.” This is because neither Ishibashi nor Walker, taken alone or in combination, discloses a player record having information about a player’s cumulative total number of credits. At best, Walker discloses tracking a player’s progress through a base game towards successful completion of a session, which triggers a secondary bonus game. *See* Walker, col. 8, l. 66 - col. 9, l. 21, 50-54. There is no teaching or suggestion of tracking a player’s winnings or a ratio of a player’s winnings to credits wagered.

Ishibashi is directed to a conventional slot machine and does not contemplate tracking a player's play record, and much less a player's winnings. Accordingly, even if Ishibashi and Walker could have somehow been combined, the combination still fails to teach or suggest the "second storage unit" recited in claim 1.

Claim 12 also recites, *inter alia*, "a judge, which judges whether the play record of the player satisfies one of a level promotion requirement and a level demotion requirement, and which, if the play record satisfies the level promotion requirement, increases the level associated with the player, and which, if the play record satisfies the level demotion requirement, decreases the level associated with the player."

However, the combination of Ishibashi and Walker also neither teaches nor suggests the claimed "judge." This is because neither Ishibashi nor Walker, taken alone or in combination, discloses changing a player's level of a game based on a player's play record of cumulative winnings. As discussed above, at best, Walker simply tracks a player's progress through a base game which, in one embodiment, requires a player to collect a "cherry-cherry-cherry outcome on a blue machine." *See* Walker, col. 8, ll. 5-8. There is no teaching or suggestion of changing a player's level in the game based on a player's cumulative winnings.

Again, Ishibashi is simply directed to a conventional slot machine that does not change a game based on a player's level, but instead the game only changes when a random outcome is generated by a CPU. Ishibashi does not contemplate that the game could be changed based on the player who is playing at the machine. Accordingly, even if Ishibashi and Walker could have somehow been combined, the combination still fails to teach or suggest the "judge" recited in claim 1.

Therefore, even if Ishibashi and Walker could have somehow been combined, as the Examiner alleges, the combination still fails to teach or suggest the combination of features recited in claim 12. As a result, claim 12 and its dependent claims would not have been rendered unpatentable by the combination of Ishibashi and Walker for at least these reasons.

Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishibashi in view of Walker, and in further view of Schneider (U.S. Patent 6,089,976).

Applicant respectfully traverses the rejection.

Claim 13 depends on claim 12 and incorporates all the features of claim 12. Schneider is cited merely for teaching a maximum wager amount. Even if Ishibashi, Walker, and Schneider could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claim 12, and hence claim 13, as discussed above. Accordingly, claim 13 would not have been rendered unpatentable by the combination of Walker, Tessmer, and Schneider for at least these reasons.

Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishibashi in view of Walker, and further in view of Boyd (U.S. Pub. 2004/0092315). Applicant respectfully traverses the rejection.

Claims 14 and 15 depend on claim 12 and incorporate all the features of claim 12. Boyd is cited merely for teaching a triggering event. Even if Ishibashi, Walker, and Schneider could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features of claim 12, and hence claim 13, as discussed above. Accordingly, claims 14 and 15 would not have been rendered unpatentable by the combination of Ishibashi, Walker, and Schneider for at least these reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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